

### REMARKS

This is in response to the Office Action mailed on June 2, 2006, and the references cited therewith.

Claims 1, 32, and 43 are amended, and no claims are cancelled or added; as a result, claims 1-10 and 32-52 remain pending in this application.

#### §102 Rejection of the Claims

Claims 32-40 and 42-51 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,153,874 of Kohno et al. referred hereinafter "Kohno".

Kohno discusses a system in which the same signal is sent from each node over a pair of redundant transmission lines. This is described in the specification in the cited col. 3, ln. 20-30, and illustrated by line drivers 2a and 2b having common inputs as shown in Figure 1. Kohno further compares signals received on the two transmission lines, and displays a result of the comparison such as via display control circuit 11. The displayed information is then used by an operator to estimate the occurrence of an abnormality in a repeater in one of the two lines (*see*, col. 3, ln. 51-53).

In contrast, the claims of the present invention describe a system and method in which either the primary or secondary network connection, but not both, is selected for sending and receiving data between nodes, where the selection is made independently for each pair of nodes. The "but not both" language was added to independent claims 32 and 43 by way of amendment in the RCE preliminary amendment filed June 25, but is not addressed or acknowledged in the rejection of these claims. As Kohno is not capable of sending a signal over only one line at a time and is not operable to select a line based on a specific pair of nodes desiring communication, Kohno does not anticipate this aspect of the pending claims.

Current amendments to claims 32 and 43 are discussed in greater detail below, and further distinguish claims 32 and 43 from the prior art.

Because Kohno requires sending all data through both lines (*see, e.g.* the Abstract, lines 1-3), and because Kohno is not operable to select a line over which to send data but is simply operable to notify a user of differences detected between the lines indicating an abnormality, Kohno does not anticipate the pending claims of the present invention.

Because the claim language clearly distinguishes these pending claims from the cited reference, reversal of the rejection of these pending claims 32-40, and 42-51, and of the dependent claims 41 and 52 that depend therefrom, is respectfully requested.

§103 Rejection of the Claims

Claims 1-9 and 31 were rejected under 35 USC § 103(a) as being unpatentable over Kohno in view of U.S. Patent No. 6,192,414 of Horn.

Kohno fails to consider selecting either the primary or secondary network connection, but not both, for sending and receiving data between nodes where the selection is made independently for each pair of nodes, as is described above in greater detail with respect to independent claims 32 and 42.

Horn describes a system in which a first computer system is linked to a single second computer system by two or more network links, where the first computer system uses a network stack associated with each network link and a network manager to selectively send application data to the second computer system in a manner transparent to an application running on the sending computer system.

Horn fails to consider selection of one or the other, but not both connections, for sending data in a network environment comprising multiple pairs of interconnected network nodes, such as is described in the specification and shown in the Figures of the pending application. Horn further failed to consider independent determination of the link to be used in each pair of nodes, except that each pair of nodes in Horn exist separately and unconnected to one another.

Independent claims 1, 32, and 42 have therefore been amended to further distinguish them from Horn, and from Horn combined with Kohno, in that they now recite at least three linked network nodes having redundant connections. To further define the operability of the multiple pair of connections found in these at least three redundant network nodes, at least one of the nodes is now explicitly recited as further operable to forward data, where the data is forwarded to a different one of the at least three networked nodes than the node from which the data is received.

This feature is not found in the cited art, and when combined with the independent link selection for each pair of networked nodes makes the pending claims unique and distinctly

different from the prior art. Reexamination and allowance of Claim 1, its dependents 2-10, and the remaining pending claims in this application is therefore respectfully requested.

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over Kohno in view of Horn and in further view of U.S. Patent No. 6,434,117 of Momona.

Claims 41 and 52 were rejected under 35 USC § 103(a) as being unpatentable over Kohno in further view of Momona.

These claims are believed to be in condition for allowance, as dependents to allowable base claims as described above.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

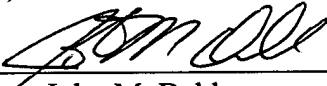
Respectfully submitted,

JIANDONG HUANG ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 349-9581

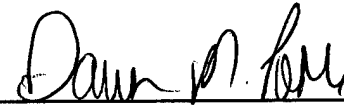
Date Sept. 5 '06

By   
John M. Dahl  
Reg. No. 44,639

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5<sup>th</sup> day of September, 2006.



Name



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